

**C. REMARKS**

Claims 1-7 remain pending in the application.

Claims 1-5, and 7 have been amended herein for clarification purposes and to provide proper antecedent basis for the words "actual physical gesture" that Applicants' Attorney found.

The examiner has rejected claims 1-5 and 7 under 35 USC 103 as being unpatentable over Hatlelid, US Patent 6,522,333, in view of Applicant's Admitted Prior Art (AAPA).

The examiner admits that Hatlelid fails to teach automatic generation of a command to send a representation of the actual gesture. Hatlelid discloses controlling movement of a visual representation by parsing a user's typed dialog (chat text) and identifying predefined phrases in a list box that are linked to behavioral movements. In other words, Hatlelid is controlling movement of a displayed visual animated representation based upon predefined phrases that were used in the typed text. The admitted prior art is merely capable of analyzing images from a video camera. The admitted prior art does not include utilizing the imaging software for sending a correlated representation of the gesture within a real time communication.

The examiner states that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the method for analyzing video images from a video camera to determine movements and gestures into the invention of Hatlelid in order to allow communication over a network which provides easier, more

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6

accurate and more realistic ways to convey behavioral information to provide a context within which the communication can be interpreted. The examiner's stated motivation and combination is not well founded. The examiner is relying on Applicants' invention for the motivation, and is relying on hindsight.

Furthermore, to accomplish the examiner's incentive, i.e., to provide more accurate and more realistic ways to convey behavioral information, a representation of the gesture would not have been sent, but rather the video image itself. To the contrary, Applicants' claimed invention analyzes the captured video images and sends a representation of the gesture.

With respect to claim 2, the examiner has mischaracterized Hatlelid in trying to correlate Hatlelid with Applicants' claimed invention. The examiner states that Hatlelid at col. 17, lines 44-49 teaches Applicants' claimed element of "determining a state of the actual physical gesture made by the one participant". However, Hatlelid discloses that the weighting determines how often a visual representation is displayed in response to the number of times the phrase is encountered ( see column 18, lines 2-9). To the contrary, Applicants' claimed invention determines the state of the actual physical gesture (i.e., is it a first or other occurrence), and displays an associated representation based upon that state, i.e., the number of times the gesture has occurred before. In Applicants' claimed invention, an associated gesture will always be used based upon the state; whereas in Hatlelid, based upon the weight of a gesticulatory trigger, the associated visual representation will not always be used.

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7

Further, with respect to claim 2, Hatlelid teaches that text is parsed to identify predefined phrases, i.e. *words*, that are linked to behavioral movements. Hatlelid has a list box of phrases that are linked to a movement, column 18, lines 40-62. Hatlelid also correlates a gesture id to a linked movement. The gesture id is a label given to a gesture so that a user can input the gesture id along with typed text and the recipient's computer will translate the gesture id into a behavioral movement executed by the user's visual representation (see column 15, line 61 to column 16, line 9). To the contrary, in Applicants' claimed invention, there is a table for correlating an action with the determined state of the *physical gesture* from the analyzed video images.

With respect to claim 3, as well as with the other claims, Hatlelid does not associate a physical gesture from the analyzed images with separate commands to send a representation of the physical gesture. Hatlelid correlates behavioral movements with a gesture id, and not a physical gesture from an analyzed image.

With respect to claims 4, 5, and 7, Applicants rely upon the remarks above to traverse the Examiner's rejection.

The examiner has rejected claim 6 under 35 USC 103(a) as being unpatentable over Hatlelid in view of AAPA as applied to claims 1-5 above, and further in view of US Patent 6,038,493 to Tow. Applicants rely upon the remarks above with respect to the patentability of claim 6. Furthermore, Tow does not disclose a table associating an action with an actual physical gesture as claimed in Applicants' claimed invention. To the

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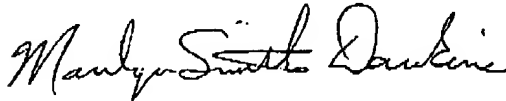
contrary, Hatlelid has a table of behaviors or emotions and genetic algorithm, see column 7, lines 43-45.

Applicants' Attorney has reviewed the art made of record but not relied upon - Dutta 6,453,294. Applicants' Attorney submits that this subject matter is not prior art. This subject matter has the same inventorship. In addition, under 35 USC 103 (c), the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

In view of the foregoing, withdrawal of the rejections and the allowance of the current pending claims are respectfully requested.

A telephone interview with the examiner is being requested herewith.

Respectfully submitted,



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9